

I.R.C.P. 41.a.1. Dismissal of Actions - Voluntary Dismissal - Effect Thereof - By Plaintiff - By Stipulation.

Idaho Rules of Civil Procedure Rule 41(a)(1). Dismissal of Actions - Voluntary Dismissal - Effect Thereof - By Plaintiff - By Stipulation.

Subject to the provisions of Rule 23(e), of Rule 73, and of any statute of the state of Idaho an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this state, of the United States, or of any state an action based on or including the same claim.

(Amended March 26, 1992, effective July 1, 1992.)

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